



Sen. Ira I. Silverstein

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09900SB2839sam002

LRB099 18919 MLM 47034 a

1 AMENDMENT TO SENATE BILL 2839

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2839 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Preventing Sexual Violence in Higher  
5 Education Act is amended by changing Section 10 as follows:

6 (110 ILCS 155/10)

7 Sec. 10. Comprehensive policy. On or before August 1, 2016,  
8 all higher education institutions shall adopt a comprehensive  
9 policy concerning sexual violence, domestic violence, dating  
10 violence, and stalking consistent with governing federal and  
11 State law. The higher education institution's comprehensive  
12 policy shall include, at a minimum, all of the following  
13 components:

14 (1) A definition of consent that, at a minimum,  
15 recognizes that (i) consent is a freely given agreement to  
16 sexual activity, (ii) a person's lack of verbal or physical

1 resistance or submission resulting from the use or threat  
2 of force does not constitute consent, (iii) a person's  
3 manner of dress does not constitute consent, (iv) a  
4 person's consent to past sexual activity does not  
5 constitute consent to future sexual activity, (v) a  
6 person's consent to engage in sexual activity with one  
7 person does not constitute consent to engage in sexual  
8 activity with another, (vi) a person can withdraw consent  
9 at any time, and (vii) a person cannot consent to sexual  
10 activity if that person is unable to understand the nature  
11 of the activity or give knowing consent due to  
12 circumstances, including without limitation the following:

13 (A) the person is incapacitated due to the use or  
14 influence of alcohol or drugs;

15 (B) the person is asleep or unconscious;

16 (C) the person is under age; or

17 (D) the person is incapacitated due to a mental  
18 disability.

19 Nothing in this Section prevents a higher education  
20 institution from defining consent in a more demanding  
21 manner.

22 (2) Procedures that students of the higher education  
23 institution may follow if they choose to report an alleged  
24 violation of the comprehensive policy, regardless of where  
25 the incident of sexual violence, domestic violence, dating  
26 violence, or stalking occurred, including all of the

1 following:

2 (A) Name and contact information for the Title IX  
3 coordinator, campus law enforcement or security, local  
4 law enforcement, and the community-based sexual  
5 assault crisis center.

6 (B) The name, title, and contact information for  
7 confidential advisors and other confidential resources  
8 and a description of what confidential reporting  
9 means.

10 (C) Information regarding the various individuals,  
11 departments, or organizations to whom a student may  
12 report a violation of the comprehensive policy,  
13 specifying for each individual and entity (i) the  
14 extent of the individual's or entity's reporting  
15 obligation, (ii) the extent of the individual's or  
16 entity's ability to protect the student's privacy, and  
17 (iii) the extent of the individual's or entity's  
18 ability to have confidential communications with the  
19 student.

20 (D) An option for students to electronically  
21 report.

22 (E) An option for students to anonymously report.

23 (F) An option for students to confidentially  
24 report.

25 (G) An option for reports by third parties and  
26 bystanders.

1           (3) The higher education institution's procedure for  
2           responding to a report of an alleged incident of sexual  
3           violence, domestic violence, dating violence, or stalking,  
4           including without limitation (i) assisting and  
5           interviewing the survivor, (ii) identifying and locating  
6           witnesses, (iii) contacting and interviewing the  
7           respondent, (iv) contacting and cooperating with law  
8           enforcement, when applicable, and (v) providing  
9           information regarding the importance of preserving  
10          physical evidence of the sexual violence and the  
11          availability of a medical forensic examination at no charge  
12          to the survivor.

13          (4) A statement of the higher education institution's  
14          obligation to provide survivors with concise information,  
15          written in plain language, concerning the survivor's  
16          rights and options, upon receiving a report of an alleged  
17          violation of the comprehensive policy, as described in  
18          Section 15 of this Act.

19          (5) The name, address, and telephone number of the  
20          medical facility nearest to each campus of the higher  
21          education institution where a survivor may have a medical  
22          forensic examination completed at no cost to the survivor,  
23          pursuant to the Sexual Assault Survivors Emergency  
24          Treatment Act.

25          (6) The name, telephone number, address, and website  
26          URL, if available, of community-based, State, and national

1 sexual assault crisis centers.

2 (7) A statement notifying survivors of the interim  
3 protective measures and accommodations reasonably  
4 available from the higher education institution that a  
5 survivor may request in response to an alleged violation of  
6 the comprehensive policy, including without limitation  
7 changes to academic, living, dining, transportation, and  
8 working situations, obtaining and enforcing campus no  
9 contact orders, and honoring an order of protection or no  
10 contact order entered by a State civil or criminal court.

11 (8) The higher education institution's complaint  
12 resolution procedures if a student alleges violation of the  
13 comprehensive violence policy, including, at a minimum,  
14 the guidelines set forth in Section 25 of this Act.

15 (9) A statement of the range of sanctions the higher  
16 education institution may impose following the  
17 implementation of its complaint resolution procedures in  
18 response to an alleged violation of the comprehensive  
19 policy. Sanctions may include, but are not limited to,  
20 suspension, expulsion, or removal of the student found,  
21 after complaint resolution procedures, to be in violation  
22 of the comprehensive policy of the higher education  
23 institution.

24 (10) A statement of the higher education institution's  
25 obligation to include an amnesty provision that provides  
26 immunity to any student who reports, in good faith, an

1       alleged violation of the higher education institution's  
2       comprehensive policy to a responsible employee, as defined  
3       by federal law, so that the reporting student will not  
4       receive a disciplinary sanction by the institution for a  
5       student conduct violation, such as underage drinking, that  
6       is revealed in the course of such a report, unless the  
7       institution determines that the violation was egregious,  
8       including without limitation an action that places the  
9       health or safety of any other person at risk.

10       (11) A statement of the higher education institution's  
11       prohibition on retaliation against those who, in good  
12       faith, report or disclose an alleged violation of the  
13       comprehensive policy, file a complaint, or otherwise  
14       participate in the complaint resolution procedure and  
15       available sanctions for individuals who engage in  
16       retaliatory conduct.

17       (Source: P.A. 99-426, eff. 8-21-15.)

18       Section 99. Effective date. This Act takes effect upon  
19       becoming law."